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Attorneys for Defendant,
 CLARKE MOSQUITO CONTROL PRODUCTS, INC.,
 erroneously sued as Clarke Mosquito Control, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MICHELLE MILLER,)	CASE NO. C 05 00203 JSW
)	
Plaintiff,)	VIA E-FILING
)	
v.)	STIPULATION TO EXTEND ALL
)	LITIGATION DATES; AND [PROPOSED]
CLARKE MOSQUITO CONTROL, an Illinois)	ORDER
Corporation; DOW CHEMICAL dba DOW)	
AGROSCIENCES, an Indiana Corporation;)	
DOES 1 to 40, inclusive,)	
)	
Defendants.)	

TO THE COURT AND ALL ATTORNEYS OF RECORD:

Plaintiff MICHELLE MILLER ("Plaintiff") alleges both an action for negligence and products liability. Plaintiff alleges that she was exposed to Mosquito Mist and as a result was injured. Mosquito Mist is a larvicide that Defendant CLARKE MOSQUITO CONTROL PRODUCTS, INC. ("Clarke Mosquito") formulated and distributed. Plaintiff contends that among other things, Clarke Mosquito had knowledge of the hazards to humans, and by not adequately warning of the dangers of the product, it breached its duty of care to Plaintiff. She contends she was exposed to Mosquito Mist while living in the Cayman Islands. The application of Mosquito Mist was allegedly done by the Mosquito Control Research Unit ("MCRU"), a division of the Cayman Islands' government.

During the course of its investigation, Clarke Mosquito discovered evidence that plaintiff may have been exposed to another mosquito abatement product, commonly known as Aqua Reslin

(active ingredient Permethrin) on the date of the incident that gives rise to this litigation. Aqua Reslin is manufactured by Bayer Cropscience LP and Aventis Environmental Science USA LP ("Bayer") and distributed by ADAPCO, INC. ("Adapco").

Defendant Clarke Mosquito filed a Motion to Implead Bayer and Adapco. The Motion to Implead was granted. Bayer and Adapco were served with the Third Party Complaint. Both Bayer and Adapco recently answered the Third Party Complaint.

A continuance of the current litigation dates is requested due to the recent appearance by Bayer and Adapco and extensive discovery that needs to be completed including the depositions of plaintiff, her husband and Cayman Islands' government officials. Written discovery has been served by the various parties. The parties have agreed that a continuance of all current pending litigation dates for at least one hundred twenty (120) days would be beneficial to all the parties. The parties need to complete discovery before they can participate in a meaningful Mediation.

For the foregoing reasons, it is respectfully requested that all dates be continued for an additional 120 days.

The following are the current litigation dates that are set in this matter:

- | | |
|---|-------------------|
| 1. Mediation cut-off date : | October 6, 2006 |
| 2. Fact/Discovery cut-off date: | October 20, 2006 |
| 3. Further Case Management Conference: | January 12, 2007 |
| 4. Plaintiff's Expert Reports Disclosure: | December 15, 2006 |
| 5. Last day to hear dispositive motions: | January 12, 2007 |
| 6. Defendant's Expert Reports Disclosure: | February 9, 2007 |
| 7. Pre-trial Status Conference: | March 5, 2007 |
| 8. Trial: | April 2, 2007 |

Dated: September 22, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

By

Steven G. Gatley, Esq.
Attorneys for Defendant
CLARKE MOSQUITO CONTROL PRODUCTS, INC.

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1 Dated: ^{October} ~~September~~ 2, 2006

CHUHAK & TECSON

3 By David J. Tecson, Esq.
4 Sanjay Shivpuri, Esq.
5 Attorneys Pro Hac Vice for Defendant
6 CLARKE MOSQUITO CONTROL PRODUCTS, INC.

7 Dated: September __, 2006

LAW OFFICES OF ROGER RUBIN

8 By Roger Rubin, Esq.
9 Attorneys for Plaintiff
10 MICHELLE MILLER

11 Dated: September __, 2006

LAW OFFICES OF DENNIS P. ISAAC

12 By Dennis P. Isaac, Esq.
13 Robert J. Brown, Esq.
14 Attorneys for Cross-Defendant
15 ADAPCO, INC.

16 Dated: September __, 2006

RUSHFORD & BONOTTO, LLP

17 By James W. Rushford, Esq.
18 Attorneys for Cross-Defendants
19 BAYER CROPSCIENCE LP and
20 AVENTIS ENVIRONMENTAL SCIENCE USA LP

21 Dated: September __, 2006

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STIPULATION TO EXTEND ALL LITIGATION DATES; AND [PROPOSED] ORDER

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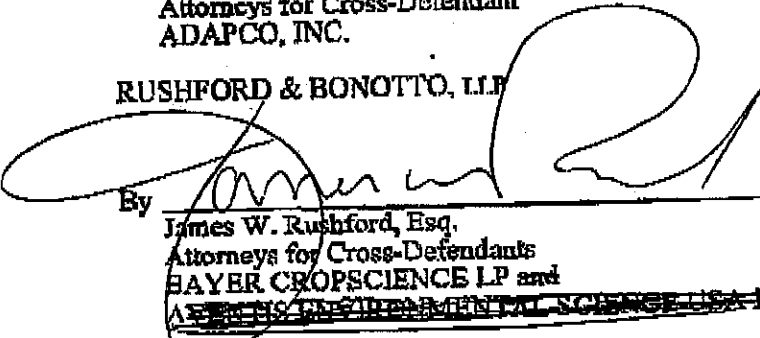
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[PROPOSED] ORDER

Based upon the Stipulation by and between all parties herein, it is ordered that the parties shall have an extension of the scheduled litigation dates as follows:

1. The Mediation cut-off date of October 6, 2006 is continued to: February 2, 2007.
2. The Fact cut-off date of October 20, 2006 is continued to: February 16, 2007.
3. The Further Case Management Conference of January 12, 2007 at 9:00 a.m. is continued to: May 11, 2007 at 9:00 a.m..
4. Plaintiff's Expert Reports previously due on December 15, 2006 are now due on: April 13, 2007.
5. Last day to hear dispositive motions is continued from January 12, 2007 to: May 11, 2007 at 9:00 a.m..
6. Defendant's Expert Reports previously due on February 9, 2007 are now due on: June 8, 2007.
7. The Pre-trial Status Conference of March 5, 2007 at 2:00 p.m. is continued to: July 9, 2007 at 2:00 p.m..
8. The Trial currently set for April 2, 2007 at 8:30 a.m. is now continued to: August 6, 2007 at 8:30 a.m..

IT IS FURTHER ORDERED: _____

Dated: October 3, 2006


Honorable Jeffrey S. White